

CAC Members Present: John Dawes, Andrew Der, Christy Everett, Bill Fink, Dale Gardner, Verna Harrison, Jeff Holland, Paula Jasinski, Chris Karakul, Julie Lawson, Pat Levin, Joe Maroon, Karen McJunkin, Charlie Stek (CAC Chair), Nikki Tinsley, Bob Wayland, Neil Wilkie, and CAC Staff - Jessica Blackburn and Lisa Wadsworth

Speakers/Guests Present: John Bacon (Chairman, Chesapeake Beach Oyster Cultivation Society-Thur), Stuart Chaney (President, Herrington Harbour Marina-Thur), Jim Edward (Associate Director, EPA CBP), Bernie Fowler (Fri), Mayor Mark Frazer (North Beach, MD-Thur), Lynn Fegley (Deputy Director, Fisheries Service, MD Department of Natural Resources-Thur), Mark Luckenbach (Virginia Institute of Marine Science College of William & Mary-Thur), Lucinda Powers (EPA Chesapeake Bay Program, Coordinator, Water Quality GIT-Fri) (Peyton Robertson (Chair, Sustainable Fisheries GIT-Thur).

Meeting presentations and materials are located: <http://www.chesapeakebay.net/calendar/event/22438/>

Thursday, November 19, 2015

The CAC Chair, Charlie Stek, called the meeting to order at 11:00 a.m. The CAC members and guests introduced themselves.

Welcome and Perspectives on Local Water Quality

The Honorable Mark Frazer, Mayor of North Beach, Maryland

Mayor Frazer provided a brief history and statistics of the vacation town of North Beach, Maryland. A boardwalk/trail was installed so residents and visitors could enjoy the flora and fauna of the wetland area. He pointed out the shoreline has 440 acres of wetlands that are badly degraded. A pump station is located on the beach and prevents flooding, however, the stormwater is pumped directly back into the Bay untreated. The beach is constantly managed with jetties, dredging, and grading, however, the shoreline is encroaching on the road with higher tides. Environmental Concerns built a living shoreline to protect the road and land. A four foot high earthen berm has been proposed and should prevent flooding of homes in this area. North Beach is working with the Maryland highway administration on options to protect the road, such as, raise the road (ultimately rejected by city as this did not provide an option for pedestrians and cyclists), to put in another lane for pedestrians and bikes or add another culvert (proposed by Army Corp of Engineers). Locals have implemented oyster cultivation programs and the wastewater treatment plant is being upgraded to remove more nutrients.

Business Meeting

The Chair presented the September 2015 meeting minutes. A correction was made to the wastewater paragraph under progress updates on water quality and Ben Grumbles' comment was revised to "issuing a policy statement at a national meeting." With the edits made, the committee approved the minutes.

Bob Wayland informed the committee that he is stepping down as CAC Vice-Chair. The CAC members discussed the Nomination Committee's memo of slate of officers for 2016 with Charlie Stek as Chair and Paula Jasinski to as Vice-Chair.

The CAC Bylaws have a clause that 20 days notification must be given for a vote. Due to the timing of the notification and the officer elections at the November CAC meeting, Charlie has requested that the members make a one-time, temporary waiver of the 20 day notification rule so officer elections could be completed. Joe made initial motioned to waive the rule and Verna seconded the motion. All members were in favor of the one-time waiver to complete the votes necessary for officer elections and revisions to the CAC Bylaws.

The following revisions were approved for the CAC Bylaws: Examples of the CBP committees under CAC Purpose and Function were deleted under Article I, Section 4. Proposed deletions to the Criteria for Membership were rejected. Members want the list of examples of Chesapeake Bay Program representation to remain in Article II, Section 2, D.

The dates for the 2016 CAC meetings were discussed. The February, May, and November dates were approved. The Committee agreed to move the August meeting to September 7-8 and consider having a joint meeting with the LGAC. Jessica will reach out to the LGAC Coordinator.

The floor was opened to updates from CAC members and staff. Karen presented a brief overview of the SOSystems septic system and its capability of increasing nutrients reductions.

Working Lunch

Marina and Facilities Environmental Practices and Local Water Quality

Steuart Chaney, President, Herrington Harbour Marina

Steuart provided a history of the Herrington Harbour property. The sustainability efforts include restoring 16,000 square feet of marshland, replacing old bulkheads with soft shoreline to increase buffers, and providing habitat for wildlife. The property is home to diamondback terrapins and horseshoe crabs. The marina is a highly acclaimed Clean Marina.

Role of Oysters in Bay Restoration

Peyton Robertson, Chair, Sustainable Fisheries Goal Implementation Team

Peyton reviewed Chesapeake Watershed Agreement goal of restoring native oyster habitat and populations in ten tributaries by 2025. NOAA is using sonar mapping to determine suitable restoration sites, providing leadership and coordination with other agencies and workgroups, funding for in-water restoration as well as funding for research and monitoring. Peyton provided updates on oyster restoration areas in Harris Creek, Tred Avon, Little Choptank, Piankatank, Lafayette and Lynnhaven.

Lynn Fegley, Deputy Director, Fisheries Service, MD Department of Natural Resources

Lynn provided an historical overview of the oyster population in the Chesapeake Bay. The last five years have been good years for oysters in the Bay. Lynn discussed the basics of oyster management in sanctuaries and the basics of aquaculture Restoration activities can include replacing substrate and planting hatchery spat-on-shell.

Discussion: Peyton and Lynn indicated that some of the biggest challenges for oysters is the lack of oyster shells needed for restoration projects and the tension between stakeholders for wild harvesting, restoration, and aquaculture. When asked what CAC may want to do to increase oyster restoration, Peyton suggested the CAC members engage on the local level to advocate for restoration in areas where members live; Lynn suggested the CAC members stay educated on the issues and ask the hard questions.

Maryland has not taken a position on an oyster harvesting moratorium. Maryland is trying to simplify the lease application process that involves DNR, MDE and the Army Corps of Engineers. The regional general permit under the Baltimore Division on the Army Corps of Engineers expires next summer. Jeff suggested CAC get involved during the comment period to advocate for a more streamlined process.

Poaching in oyster sanctuaries are monitored by DNR police, cameras and radar “fences”. Offenders get fines, license revoking, and court dates for natural resources claims all on one day. There are no citizen-led oyster poaching watch groups. In VA, oyster reef balls help to deter poaching if you can convince them to be used.

85% of the natural reef oyster habitat is degraded, but compared to the West Coast the Chesapeake Bay oyster populations are much better. West Coast fisheries focus on aquaculture because their fishery is mostly collapsed. The Gulf of Mexico has a slightly higher oyster population than the Bay. Nowhere in the world is the effort for oyster restoration as big as it is in the Chesapeake Bay.

Oysters as a BMP and the TMDL 2017 Mid-Point Assessment

Mark Luckenbach, Virginia Institute of Marine Science, College of William & Mary

Mark presented on oysters as a nutrient reduction Best Management Practice and reviewed the findings from the STAC, *Evaluation of the Use of Shellfish as a Method of Nutrient Reduction in the Chesapeake Bay* report along with new data from VIMS research. Oysters don’t filter nitrogen, they filter phytoplankton that contain nitrogen. There is a scale issue for using oysters as a BMP for nitrogen reduction for the TMDL. For example, the Lynnhaven River would require an annual harvest of 49 million oysters to meet merely 1% of requirement every year.

Ward Slacum, Co-coordinator Oyster Expert Panel

Director of Program Operations, Oyster Recovery Partnership (ORP)

Ward reviewed the charge of the Oyster BMP expert panel. There was one stakeholder meeting at the beginning of the process. Paula submitted comments. The meetings are closed to the public and there is not a lot of opportunity for stakeholders to provide input except through the Water Quality Goal Implementation Team meetings when the panel provides updates. The panel was convened because of interest from the states, an aquaculture interest in VA and the city of VA Beach, as well as new information since the STAC report. The full CBP partnership will review the draft findings in May 2016. ORP will provide updates to the public via newsletters.

Discussion: Members expressed concern with the CBP approval of oysters as BMPs given the STAC report findings and the lack of opportunity for stakeholder involvement. Given the scale issues Mark raised, there is concern that local governments will try to buy oyster trading credits instead of implementing stormwater practices on the ground. Concerns about the cost efficiency of oysters as BMPs and the lack of oyster shells for restoration were also raised.

Demonstration: Chesapeake Beach Oyster Cultivation Society, Chairman John Bacon and volunteers, provided demonstrations of the tour activities that they provide. Chairman Bacon indicated that the biggest need for oyster restoration is to educate the youth so they become advocates and protectors of water quality.

Member Discussion and Updates

Christy Everett reported that in Virginia the MS4 Phase 1 is in negotiation and MS4 Phase 2 is underway. The Virginia Agriculture budget is \$178 million and includes cost share, technical assistance, and stream exclusion backlog funding. She cited concern there was no funding available for urban stormwater.

John Dawes highlighted that Pennsylvania’s budget is five months overdue. Administration Secretaries are committed to green work and all are hopeful to meet goals. There is concern regarding the political will. PA sales tax is increasing to the second highest in the nation.

Charlie announced that Mallows Bay is being considered on the list of National Marine Sanctuary. He encouraged everyone to submit comments to add the area to NOAA. Drafting a management plan for the sanctuary is the next step.

Action Item on Oysters: Members agreed to write a letter to the Oyster Expert Panel and copy the Chair of the Principals' Staff Committee, Sec Ward, expressing CAC's concerns about the panel and the potential implications of oyster BMPs and oyster trading.

Friday, November 20, 2015

CAC Chair called the meeting to order at approximately 8:00 a.m.

Chesapeake Bay Program Updates

Jim Edward, Associate Director, EPA Chesapeake Bay Program

Jim reviewed the BMP verification program update including information on the consistency of states' draft BMP verification plans. He discussed CBP's BMP verification schedule for the next three years. The BMP verification program plan approval will reach three possible decisions by the EPA which are approval, conditional approval and return to jurisdictions with comments. EPA has requested that each jurisdiction publicly post their revised jurisdictional BMP verification program plans. The final plans are to be in place by 2018.

Workplan milestones and GIT funding due dates were reviewed. The next milestone is December 18, 2015 when the draft workplans are due and the 45 day public input period will be open from January 22 to March 8.

It was noted that PA does not have a budget and is working on an eighteen month strategy. Funding is set to be released in 2016-2017. The goal is to have a severance tax for environmental issues like a bag tax or plastic tax. PA remains positive even though there is no budget and they are not going to hit 2017 target.

Jim reviewed the Executive Council's response to CAC recommendations. The CBP Communications Office will produce 2 page overviews of each of the workplans. NOAA will be the lead on Environmental Literacy workplan where language will be added on engaging the US Department of Education. CBP is not likely to produce or fund local level report cards, but they are considering developing an App.

Planning for Phase III WIPs and the Chesapeake Bay Stakeholder Assessment

Lucinda Powers, EPA Chesapeake Bay Program, Coordinator, Water Quality Goal Implementation Team

Lucinda presented an overview of the Chesapeake Bay Stakeholder assessment. Frank Dukes with the UVA Institute of Environmental Negotiation held a series of conversation with about 120 stakeholders from federal, state, local, non-governmental and industry organization to identify lessons learned from the Phase I and II WIP process that should be applied to the Phase III WIPs in order to facilitate local engagement and implementation.

The assessment broke down the shared concerns and ideas into three storylines: (1) those for whom implementing the Chesapeake Bay TMDL is of the highest priority; (2) those that it's an important priority largely because of regulatory or institutional mandates and are juggling Bay TMDL demands with other priorities; and (3) those who feel it's an unfair burden that impinges on the priorities of equal and greater importance to them. These comments and lessons learned will help improve the Phase III WIPs that are due to EPA in draft form in June 2018. Many shared concerns and ideas about equity, communication and collaboration, accountability and flexibility, need for support, schedule, and role of the Bay Model.

Discussion: Members expressed concern about the overall message coordination by the CBP. The public hears confusing stories about restoration and TMDL progress. They also suggested that there should be a fourth story line that goes beyond the TMDL and should be considering how to engage local communities.

There was a discussion of the 60% by 2017 and 100% of 2025: What does 60% by 2017 represent? It means *actual monitored reductions* should be at 60% of the total reductions needed to meet the TMDL. We have been at 29-31% and are analyzing 2014 data right now. 100% means all the *practices* to meet the TMDL should be in place by 2025.

CAC Members feel the communications about the Phase III WIPs should not be about the TMDL, but focus more on the connection of local waters and the Bay Agreement.

Additional concerns are: (1) Equity – if wastewater meets goals then will they have to do more because others are not being held accountable. (2) Communication – make sure we are all communicating the same message with all watershed groups. (3) Schedule – states and localities have had little time to learn from each other which can cause more lawsuits and a further abandoning of the TMDL.

Local Restoration Efforts

Example of Impacts of a Local River Report Card

Jeff Holland, West and Rhode Riverkeeper, CAC Member

Jeff provided an overview of the West and Rhode Rivers as well as his job as a Riverkeeper. Currently, he has twelve citizen scientist volunteers that monitor water quality at 28 sites every week, from May to October. He highlighted the success of this local program to community enthusiasm and involvement. At the YMCA's Camp Letts, volunteers concentrated on horse pens and created swamp catchments to reduce horse manure. Over 600 kids planted over 700 trees and 10,000 plugs of swamp grass to create a living shoreline. The brochures they use to engage the public have helped bring awareness to the local, can be found online, and are used to provide data to annual report cards. Jeff shared some of the songs he sings as education for students and others about the Bay and clean water.

Insights and Lessons on Local Advocacy and Engagement and the Patuxent River Commission

The Honorable Bernie Fowler

Senator Fowler began his presentation by giving an overview of his life on the Patuxent River and the Chesapeake Bay from 1924 to today. His views and efforts were the genesis of the whole CBP which was started in 1969. He showed concern over the lack of education in schools and the need to make sure teachers and community members have resources. We must train young minds to take over from older generations. We must help create good public relations around the need to clean up the Bay. Help people to understand that bad water is a health hazard. We don't have the strength of leadership for the Bay today because there is a lack of connection to the resources and no memory of how plentiful the rivers and the Bay used to be when it was healthier.

Senator Fowler believes having a model river watershed could help to show how the clean-up can be successful. He expressed concern that we weren't keeping up with the curve for growth and that in 2025 our waste water treatment plans won't be able to meet the demands.

Discussion, Action Items and Meeting Wrap Up

Members continued the discussion of elements to be included in the letter on Oyster BMPs and confirmed the committee would reconvene on the issues at their February 2016 quarterly meeting.

Verna relayed an update on the work by the CBP Agricultural Workgroup to create a system for the States to identify and describe assurance of compliance for Tier 2 phosphorus in Nutrient Management Plans. She indicated that the process so far does not seem to be meeting the criteria.

CAC discussed the desire to communication to the CBP that the Phase III WIPs communications and outreach should be more comprehensive, address the benefits of the TMDL, and include local government engagement.

CAC discussed how the 2 year workplans in the Agreement Management Strategies should identify what actions are new as a result of the Agreement and to highlight to the public for their review what is more than merely existing programs.

John requested that the one-pager explaining the definition and concepts of Environmental Justice be shared electronically with the CAC members.

Charlie requested that each CAC member bring the name/contact information of a minority or person of color that could be considered for CAC membership and include a brief description of why this person is recommended.

The next CAC meeting will be February 17-18, 2016. Meeting location to be determined.

With no additional business, the meeting was adjourned at approximately 12:00 p.m.